# North Fork Kings Groundwater Sustainability Agency Regular Meeting Minutes

October 10, 2017 at 5:30 p.m. Riverdale Public Utility District Annex

**Members Present:** 

**Members Absent:** 

Buddy Mendes, Division 1

Division 7

Frank Zonneveld, Division 2

Danielle Roberts, Division 3

Mark McKean, Division 4 (Chair)

Leonard Acquistapace, Division 5

Stephen Maddox Jr., Division 6

**Others Present:** 

Eric Osterling, Kings River Conservation District

Randy Shilling, Kings River Conservation District

Cristel Tufenkjian, Kings River Conservation District

Brian Trevarrow, Kings River Conservation District

Scott Sills, Laguna Irrigation District

Jerry Gragnani, Stinson Canal & Irrigation Company and Crescent

Canal Company

Luke Vanderham, Crescent Canal Company

John Serpa, Liberty Canal Company

Anonymous, Jim Verboon Farms

Julianne Phillips, Kings County

Kevin Johansen, Provost & Pritchard

Maria Herrera, Self-Help Enterprises

Item 1: CALL TO ORDER

**Presenter:** C

Chair McKean

The meeting was called to order at 5:31 p.m.

Item 2: PUBLIC COMMENT

**Presenter:** 

Chair McKean

**Discussion**:

Maria Herrera, Self-Help Enterprises, updated the Board on the date of the "Getting Involved in Groundwater; A Guide to California's Groundwater Sustainability Plans" panel discussion now occurring on October 26, 2017 10:30 a.m. – 1:30 p.m at the University Square Hotel in Fresno, CA.

Actions: None.

Item 3: CONSIDER APPROVAL OF MINUTES

Presenter:

Chair McKean

**Discussion**:

It was recommended to the Board that the September 6, 2017 Special Meeting Minutes be amended to read "District 3" instead of "Self-Help Enterprises" under Item 5: Funding Mechanism.

Actions:

Director Mendes motioned, Director Acquistapace seconded, and it was unanimously carried to approve the July 12, 2017 meeting minutes, as presented, and September 6, 2017 special meeting minutes, as amended.

Item 4: <u>DIRECTOR REPORTS</u>

**Presenter:** 

Chair McKean

Discussion: None.

Item 5:STAFF REPORTSPresenter:Eric Osterling

#### Discussion:

Staff Eric Osterling drew the Board's attention to a Downey Brand letter, as presented in the agenda packet, requesting to be placed on the service list for a project proposed within the North Fork Kings Groundwater Sustainability Agency (NFKGSA) called the Elkhorn Property Groundwater Recharge project.

Actions: None.

Item 6: REVIEW DRAFT BYLAWS Presenter: Eric Osterling

#### **Discussion**:

Osterling explained that the updated draft bylaws will include more specific rules regarding committees and governance items. Aubrey Mauritson, legal counsel, will bring an updated draft for the Board's consideration at the next meeting.

Actions: None.

Item 7: CONSIDER APPROVING FINANCIAL STRATEGY Presenter: Kevin Johansen

#### Discussion:

Kevin Johansen, Provost & Pritchard, presented the financial strategy up for consideration, emphasizing that the proposed strategies are designed to raise funds for the NFKGSA to go toward Groundwater Sustainability Planning (GSP) and development, but not intended to raise funds for any anticipated projects to meet the goals of the GSP and should fund the GSA's activities for up to 5 years' time. Another Prop 218 election process is anticipated to fund the projects of the GSP.

Johansen explained the various options before the Board, as indicated in the Memo found in the agenda packet. These options include a Prop 218, Section 4 land-based assessment; a Prop 218, Section 6 fee-based assessment; and a Prop 26 election. Johansen and the Board discussed the pros and cons of having to write an Engineer's Report, as required in the Prop 218 process, and determined the Report would move forward with the assumption that the NFKGSA area would equally benefit from the GSP, and thus will assess costs equally. The Prop 218 assessment would be attached to the County property tax and would be enforced by the County.

With legal counsel's recommendation, Johansen recommended the Board pursue a Prop 218 election process under a Section 4 land-based assessment. The requirements for this process include an Engineer's Report and an election whose voting power is based on acreage. It was deemed by counsel and the Board that the Prop 218, Section 4 land-based assessment would be the most reliable method to raise funds and would serve as a blueprint for another election after the GSP is developed. Although the Prop 218 process is more expensive due to mailing ballots and the costs associated with developing an Engineer's Report, it was reasoned to be a structured and a tried-and-true approach to raise the necessary funds.

Johansen discussed the timeline to conduct a Prop 218 election, as shown in the agenda packet, and stated that the \$14,000 estimate listed is to pay a contractor to the do the work of merging multiple parcels into one ballot, preparing, mailing, and counting the results of the ballots. Johansen stated that outsourcing this work would be cheaper than having the technical consultant do the work. The estimate is based on past experience, and an official quote will be received after the number of parcels is determined.

## Actions:

Director Zonneveld motioned, Director Mendes seconded, and it was unanimously carried to approve the strategy and the timeline for Prop 218 funding in principle and Task Order #3 for implementing a Prop 218 election.

Item 8: CONSIDER APPROVING TASK ORDER FOR INITIAL

**GROUNDWATER SUSTAINABILITY PLAN DEVELOPMENT** 

**SERVICES** 

#### **Discussion**:

Osterling and Johansen drew the Board's attention to Task Order #4, as presented in the agenda packet, and explained that approving the task order would allow the Board's technical consultant to begin work on GSP development. Johansen stated that the costs presented are already approved in the budget, but is unsure if this full amount will be spent prior to June 2018.

Presenter:

**Eric Osterling** 

#### Actions:

Director Mendes motioned, Director Maddox seconded, and it was unanimously carried to approve Task Order 4 for initial Groundwater Sustainability Plan development services.

Item 9: CONSIDER APPROVING PROPOSAL FOR PREPARATION Presenter: Eric Osterling
OF A PROPOSITION 1 SGMA PLANNING GRANT

## **Discussion**:

Osterling informed the Board that the proposal presented in the agenda packet is from Provost & Pritchard, who was selected by the Kings Technical Coordination Group to write the Proposition 1 SGMA Planning Grant for the Kings Subbasin. As a reminder, the NFKGSA is serving as the applicant on behalf of the seven GSAs in the Kings Subbasin, who are splitting the application costs. The NFKGSA's share of the cost to prepare the application will be roughly \$6,000, which is included in the budget for the FY2017-18.

Chair McKean reminded the Board and public that grant monies received will be split between the GSAs within the Kings Subbasin.

## Actions:

Director Mendes motioned, Director Acquistapace seconded, and it was unanimously carried to approve the proposal for preparation of a Proposition 1 SGMA Planning Grant.

Item 10: CONSIDER AUTHORIZING RESOLUTION TO BE APPLICANT Presenter: Eric Osterling FOR PROPOSITION 1 SGMA PLANNING GRANT

## **Discussion**:

Related to Agenda Item 9, this action item authorizes the NFKGSA to be the grant applicant and to negotiate and execute a grant agreement with the Department of Water Resources (DWR). If the application is successful, the NFKGSA is requesting sub-agreements with each of the other six GSAs in the Subbasin to limit liability should any of them fail to perform in the development of their GSPs. The Board discussed the status of ongoing coordination agreement discussions, including dispute resolution mechanisms, and the likelihood of representatives within the Kings Subbasin Coordination Group agreeing to much prior to the December 2017 grant application deadline.

## Actions:

Director Mendes motioned, Director Acquistapace seconded, and it was unanimously carried that the North Fork Kings authorize the resolution for the Proposition 1 SGMA Planning Grant, stating that the NFKGSA is the authorized lead agency for the grant application.

Item 11: REPORT ON RURAL COMMUNITIES COMMITTEE Presenter: Eric Osterling

**APPLICATION PROCESS** 

## **Discussion**:

Staff and Herrera reported that work is underway to solicit applicants for the Rural Communities Committee, with assistance from Self-Help Enterprises and the Leadership Council for Justice and Accountability.

Actions: None.

Item 12: CONSIDER APPROVING LETTER OF SUPPORT FOR SELF- Presenter: Eric Osterling

HELP ENTERPRISES PROPOSITION 1 SGMA PLANNING

Maria Herrera

**GRANT APPLICATION** 

# **Discussion**:

Herrera and Osterling reported to the Board that while the NFKGSA is applying for Proposition 1, Category 2 (Projects) funding, Self-Help Enterprises is applying for Category 1 funding. These two categories pull funding from different accounts and do not compete with one another for funds. Herrera brought this item to the Board's attention to notify them of Self-Help's intent to apply and to request a letter of support. The application is due November 13, 2017.

Self-Help Enterprises intends to apply for the maximum amount of \$1 million to establish a technical assistance program to help representatives from Disadvantaged Communities (DACs) engage on water management efforts. If funded, Self-Help Enterprises will outreach, education, and support SGMA, GSP, and GSA efforts; provide direct assistance for those on governing boards or participating on advisory committees; and to fund under-resourced DACs so they too can identify and develop projects to bring the state back into sustainability. Osterling expressed his desire to see Self-Help Enterprises receive funding for these efforts, as they will strengthen NFKGSA's outreach efforts.

#### Actions:

Director Mendes motioned, Director Maddox seconded, and it was unanimously carried to form an Ad Hoc Committee that consists of Directors Mendes, McKean, and Staff Osterling in order to respond to Self-Help Enterprise's request for a letter of support.

Item 13: CONSIDER APPROVING LETTER OF OPPOSITION FOR Presenter: Chair McKean

SEMITROPIC TULARE LAKE FLOODWATER PROJECT

#### **Discussion**:

McKean gave some background on a circulating letter of opposition for the Semitropic Tulare Lake Floodwater Project Proposition 1 request for funding and an opportunity to respond to the Draft Environmental Impact Report (DEIR). More developments are expected in the next 30 days, so the Board agreed to appoint an Ad Hoc Committee to look into this item.

#### Actions:

Director Mendes motioned, Director Roberts seconded, and it was unanimously carried to appoint Directors Zonneveld, Acquistapace, and McKean to an Ad Hoc Committee to recommend action on the letter of opposition for the Semitropic Tulare Lake Floodwater Project and any comments they wish to make on the DEIR.

**Item 14:** FINANCIAL REPORT Presenter: Randy Shilling

**Discussion**:

Staff Randy Shilling introduced Staff Brian Trevarrow, who may present financial reports to the NFKGSA in the future. Shilling summarized the financial report, as presented in the agenda packet, explaining to the board that not all billed invoices are collected yet, but that the NFKGSA is currently spending under budget. In addition, Osterling reported that NFKGSA expects a final lobbying bill in December 2017.

#### Actions:

Director Mendes motioned, Director Zonneveld seconded, and it was unanimously carried to approve the Financial Report for the period ending September 30, 2017, as presented.

Item 15: STAKEHOLDER OUTREACH AND COMMUNICATIONS Presenter: Cristel Tufenkjian

# **Discussion**:

Staff Cristel Tufenkjian drew the Board's attention to the outreach schedule for Prop 218, as in the agenda packet, and informed the public of an email subscription service available on northforkkings.org. Among other updates, emails will be sent following Board meetings regarding action taken by the Board.

Actions: None.

Item 16: OTHER ITEMS FOR DISCUSSION Presenter: Chair McKean

#### **Discussion**:

Chair McKean reported news that the Kings Subbasin Coordination Group just received a preliminary estimate of water level deficits. The area under NFKGSA's jurisdiction is estimated at 82,000 acre-feet annual deficit, but this calculation is only based upon geology and static groundwater elevation data. It does not consider gains and losses from groundwater flows from pumping and recharge activities in surrounding GSAs and subbasins. The Coordination Group will consider these factors, while using a representative 10-year average that incorporates an average cycle of wet and dry years and avoids the outlying data from the 2014-2015 water year, which was during extreme drought.

Actions: None.

Item 17: NEXT MEETING DATE AMD AGENDA ITEMS Presenter: Chair McKean

Discussion: None.

Actions:

Regular Board meeting on January 10, 2017 at 5:30 p.m.

Respectfully submitted,

Stephen Maddox Jr., Board Secretary

\_\_\_\_\_\_ approved on January 10, 2018

Mark McKean, Board Chair